App. F. IX-4

1934-35

Previous References

83-32- 7 F, 9, 10, 14, 8 (August)

G.O No 57-35 J 21 1-1884 G 9 20

G O 5166

~~Further References.~~

117

Mug 641-09-1-6

& A 501-96-1-6

LR. 101-39 (1-4

Jul 229 43.

GENERAL AND REVENUE SECRETARIAT.

L.R 294-46-1-2

Mug File No. 134-3

Serial Nos. 1-4

Serial Nos. 4

Part B for May 1936

SUBJECT.

Resumption of the Gunde thope in S. No 17 of Kadivala Village, Bangalore Taluk and the inam lands entered in R/S Maimum

No 1554-57 8-5-36

To

WD 03607—GPB—22,500—2-8-36

The M.C

4 R.C

1 Director of L.R

9 Comptr

Re facts the resumption of the above

and Revenue Secretariat | 4B File No. 88 of 1933.

Serial No.

1 Letter no C.2-529/33-34 dt 1-11-33 from the DC, Bangalore submitting a report in regard to the Inams granted to the ancestors of Mr. Kumaraswamy Mudliar for the maintenance of the topes bearing S. no. 17 of Madivala village, Bangalore Taluk on which a Dharmadaya is being held.

4B file 83-32 leading to the D.O.P. 30-8-33 is put up herewith and refer.

Hoyle

The dep. com reports that S nos 12, 15 and 16 of Madivala village were granted to the ancestors of Mr. Kumaraswamy Mudliar as Dharmadaya Inam for planting a tope in S. no 17, which is a punk kharab land, for maintaining the tope, well and avenue trees; that at present only the avenue trees are being maintained in somewhat poor condition but that the tope and the well are not in a satisfactory condition, and that the object for which the inam lands were granted has not been quite fulfilled

The dep. com recommends in view

NOTE—Contn Sheet.

If the fact that there is a properly constituted Board, that the permission to cut the shandy given to Mr. Muddiyan's family may be withdrawn.

To see for orders.

11/11/33

This is a case in which action has to be taken in Dharmadaya for failure to comply with the terms of the Dharmadaya grant. As the Muzrai Branch deals with Devadaya and Dharmadaya Inams, the case may perhaps be transferred to that Br. for disposal

Br
14/11

A - This may be done

(Secy) 14/11

14/11

(Muzrai Br) 15/11

If above, this may be sent to M.C. for publication of Orders ——

17/11

(Secy)

23/11/33

25/11/33

25/11/33

To
The Gen. Records
w.c) for kindly
putting up the files
leading to the two
Govt. orders, referred to
in para 10 of the Pr
11/11.
Govt. Order No 1490/117 &
26-6-83 is herewith put
up. Govt. order of 8th
May 1883 is not traceable
13/11

A

GENERAL SECRETARIAT
Nr. —

GENL & REV. SECRET
562
16. NOV. 1933.
MUZRAI.

[App. F. III—4

General and Revenue Secretariat 45 File No. of 193 3—4

Serial No.

11 Forwarded with compliments to the Muzrai Commissioner for favour of remarks and drafts

By order —

25/11/33

for financial Secretary

GEN. & REV. SECT. No 67-33. 29 NOV 1933 MUZRAI.

OF THE MUZRAI COMMISSIONER No C.737/34 30. NOV. 1933 JERUSALEM

737/34 15-1-34.

the land (J.S.17) [illegible]

[illegible]

C.C.No.6263-M [illegible]

C.O.No.8-131/J.M.73-07- [illegible]

[illegible] for [illegible]

17

8/18/1/34

[illegible]

NOTE—Contn Sheet.

WD 70—GBPM—60,000—13-8 31

10

encroachment
of a tank in Madivaka Village

File No. of 1933.

Cavearian R.M 73-07-4 of 26/8/1908 refd to para 12 is stated by the Records to have been destroyed Monthly Volume for Aug 1908 Containing the above order in extenso is pointed for Repl (Hag P). & after that Volume containing the above order

~~Town Keeper~~ the order of 14.1.1898.

If agd, The Views of the M.C will be adopted & action taken accordingly

GS 2/2

1.) The M.C's Views as expressed at paras 12, 13 & 14 overleaf may be accepted and he may be requested by means of a letter to take further action accordingly.

OFFICE OF THE SECRETARY TO THE MEMBER OF COUNCIL
10 FEB. 1934
No.....

3/2/34

Secretary) 2nd Asst)

Please consult the Law Section before passing order.

13/2

Law Asst)

14/2/34

There seems to be no room for doubt that S.No: 17 is foreshore land treated as kharab on account of the Public Hope. It is not possible for Mr. Kumaragam to claim this tope as his personal property.

Serial No.

23 Action may therefore be taken as suggested by the Hon'ble Com'r. ~~who may be requested~~ The D.C may issue proper notices to the party and after hearing him submit a report to Govt through the Hon'ble Com'r. Action to remove Mr Kumarguru from the Trusteeship has to be taken under Sec 18 of Reg VII of 1927. The Inams could be resumed under the Chief Comm's notn of 1877 for failure of the purpose of the Grant. The permission given to hold a Sandhe on S No 17 may, I think, be recorded by an executive order but it is however desirable that this revocation is made after action under sec 18 is completed.

24) Forwarded with compliments to the Govt Advocate for favour of his views in the matter.

M Yegnadha
15/2/34

R.O. No. P 193 of 32 dated 15th Feb 1924 28/ Last

Proc 671/33-34 dt 15.2.34

R.O. Proc 125/33-34 dt 31.3.34

Returned with compliments.

25) I remember to have noticed some Government Orders regarding the Shandy filed by Mr. Kumarguru Moodaliar in the Civil Suit and they may throw some light on the question whether he could be deemed to be a Trustee and as such liable to be called upon to account for the collections. I requested Mr. H.V. Naravana Rao who was then conducting the case for the District Board to let me have those papers, but was told that he had returned them to the District

NOTE—Contn. Sheet

WD 0434—GPB—15,000—12-10-33

File No. of 1933-34

General and Revenue Secretariat

Serial No.

District Board. Copies of depositions and exhibits available with the District Board as also a copy of the Judgment in the Civil Suit may kindly be obtained and sent to me with the file.

V. Nagaswami 2/4
Government Advocate.

CSN/29.3.34

(Yuz Dr) 26) 2/4/34

2) [illegible] to the A.S.I. Trichy for obtaining & forwarding the file as requested by the Govt. Advocate

3/4

A.S.G. Branch in the C.H.C.

3/4/34

Issue 4/4

Dft. & the Respdt, Dt. Bd. Bangalore to submit Dt. 5/4/34

Issue 7/4

Issued no 27375 dated 14.4.34 to the President, Dist Board, Bangalore calling for certain records & depositions etc for report

TYP'NG SE 7.4.34 ENL'S'TE

Sent 17 Apr 16/4/34

2081, 5-334 – Mysore 562

Hadivala Shamby

[App. F. III—2

General and Revenue Secretariat | AB File No. 88 of 193 3

Serial No.	
3	From the Presdt, D Bd, Bangalore no 1261/33-34 dd 11.5.34 forwards the records containing Copies of depositions & exhibits & the Judgment in the Civil Suit. The file may be transmitted to the Hig.
31)	MB 1895
32)	Mucz. Br. W.C AB/18/5
33)	Records received vide B.U.D one note ch^ce to para 25 supra – The File with further information received will be sent if appd & Law Secy – 21/5
	Secy Dept of Law & Legislative Secretary to the Govt of Mysore 21/5/34

R.C.No.P 235/32 dated 21/5/34

Forwarded with compliments to the Govt Advocate with reference to his note of 29.3.34 supra.

for Secretary

GOVT. ADVOCATE'S OFFICE 1 MAY 1934 BANGALORE

7.No.892/33.34 dt 11.5.34

Returned with

File No. 134 of 193 4 | General and Revenue Secretariat

Returned with compliments.

It is clear that Survey No.17 is a Dharma Thope and not the property of Mr. Kumarguru or his ancestors. Some of the documents filed by him in the Civil Suit such as Exhibits (K) and (N) support that position, and Mr. Kumarguru's contention that the Thope is his is therefore untenable.

Regarding the Shandy itself - the permission to hold it seems to have been granted on the request of raiyats of Begur and Agara as can be seen from a private copy of Exhibit (B) which is in the file of papers sent by the District Board, and later on the holding of the Shandy was changed from Friday to Thursday also at the request of the raiyats (Vide Order of Government dated the 21st January 1884). It is also significant that Mr. Kumarguru's ancestors were not granted any permission to levy fees although for many years he and his ancestors have been doing so.

The Government Orders of 1898 and 1908 which relate to similar charitable Thopes founded by private persons lay down that such persons or their descendants would only be entitled to the custody and management of such Thopes and would not be entitled to use them for their private purposes.

Mr. Kumarguru is therefore a mere trustee entitled to manage the property and utilise the proceeds therefrom only for the maintenance of the public Thope. He has clearly violated the object of the Trust, and I think under the circumstances action may may be taken against him as proposed by the Muzrai Commissioner.

Government Advocate.

CSN/14.7.34

G.O. No. 6/34-35 dt 14.7.34

Put Br for further action

19/7/34 19/7/34

Re: Toffee in S.No 17 etc
and the Mission lands

Bangalore
Dist.

[App. F. III—2

General and Revenue Secretariat

File No. 134 of 1934

Serial No.

(42) Subject to views of a draft on the lines indicated in paras 37 to 40 above were placed before Govt (Govt 20/7)

(43) Yes - Please see Secretary's orders at Para 20 supra
20/7/34

Govt 29/8

Govt 11/9 - MW

As directed at para 20 supra by the II Member, the Law Secretary was consulted. Kind regn is invited to the Govt advocate's opinion at para 40 supra. A draft to me is accpt put up for approval.
5/9/34

1 SEP 1934

Secy)

RR 8/9/34 - 2/10/34

2nd member,

Mysore Advocate
The Govt may be asked to submit report after the enquiry is over

25/12

draft addressed as directed by the Govt

Issued vide Govt Order No. 31/IV/34

11 DEC 1934 LIL. No 2 8 8 6

TYPING 2. JUL

ENL & R

Notes—Contn. Sheet

WD 70—GBPM—60,000—13-8-3.

No 983 — dy 9-1-1935 — to the Inamdar Commissioner stating that action as proposed in his note of 15-1-34 may be taken and calling for a report on receipt of a reply from Mr. Kumaragowda Mundalian.

Letter no C 422/33-34 dy 20-1-1936 from the Inamdar Commissioner recommending for reasons set forth therein that the right to hold the Shandy in S-No 17 of Madivala Village Bangalore Taluk may be transferred from Mr. Kumaragowda Mundalian and the Hobli Revenue of Government and Vested in the Municipal Board for the holding of a Shandy, the annual realisations from the Hobli being credited to Govt.

52. It is clear from P.W. D1 That the terms of the grant are not fulfilled by the legal representatives of the original Grantee —

53. The present report of the I.C. Viz P.W. D11 is called with reference to the Minutes of the Member in para 49 supra — for orders —

G.S 31/2/36 54. S.No. 17 in which the Hobli is situated is govt. waste Kharab. (Vide para 8 of letter No. C2. 579/33-34 dated 1st Nov. 1934 of the

P.W.D.1

Serial No.

Dy. Comr., Bangalore Dt.). It is therefore a point for orders whether Mr. A.A Thimmaraguru Mudaliar's claim to ownership of the thope, which is a "gundu thope" or charitable thope is tenable.

55. Para 275 of the Revenue Manual, Vol. I, states that where inam lands are granted for the performance of any specific service, i.e., for the maintenance of a charitable institution, as in this case, should be resumed, if the institution is not maintained in an efficient condition. It is a point for orders whether inam lands granted for raising a charitable thope like the one referred to in the P. H. D. [illegible] are not liable to resumption under para 275 of the Revenue Manual, Vol. I. And if they are liable to resumption, it is a point for orders whether S. Nos. 12, 15 and 16 of Madivala village, Bangalore Taluk, which were granted for raising the gova charitable thope are not liable to resumption, [illegible] the resumption of the tope by Govt.

56. Para 182 of the Revenue Manual, Vol. I, also states that where inam lands which

WD 03594—GPB—30,000—13 7/35

have been granted for the upkeep of a thoppu, the terms of the grant should be enforced. The terms of the grant require that the thoppu, the well and the trees in it should be maintained. The Inam Comr. has not however submitted a report on the question of resumption of the inam lands granted for raising the thoppu. May a report on this point be called for? ~~Submitted for orders~~ It is a point for consideration whether 3.2.36. the inam lands should continue to remain in the hands of the present holder after the object for which it was granted disappears by as a result of the resumption of the garden thope by Govt.

Submitted for orders.
4.2.36.

5.2) With Refce to Paras 4 9 & 5 o Rpm the Mrs recommn at para 4 of the Rpt may perhaps be accepted. 4/2/36

(II)

Gen. Secy)

5.2) Put 7/2 7/2

1 1 FEB. 1936

First Member) 5.2) As this varies impt issue, the Govt may also record his views

5/2
20/2

Serial No.

60) The points for orders are:

1) whether S no 17 on which the Shandy is held is the Kunnarasanis private property or Govt land.

2) Whether he is entitled to the Shandy collections

3) whether the topes and niam granted for maintaining it may not be resumed

4) and the Shandy made over to the Board and the collections ordered to be credited to Government.

61) There is nothing to show that S. no 17 is the private property of the petitioner. It was formed into a garden tope by his ancestor, and in recognition of it and by way of grant for maintenance he was given three S. nos as niam. This number is not mentioned as part of the grant. In the accounts it is shown as Sirkar land.

There is nothing to show that the petitioner

WD 03594—GPB—30,000—13-7 35

NOTE—Contn Sheet.

ancestor was authorised to levy a fee from people selling in the shandy and use the collns for his own benefit. Collns from the shandy should be treated as income from the garden trope and according * the Govt of 1898 and 1908 in similar cases the manager of the charity is bound to use the income for improving the trope and to account for the receipts and expenditure

* Proper slang ** P

There is no question of resuming the trope. It is a public trope and if Govt consider it neces they may prevent any one from taking its produce and arrange for its proper management. The petitioner's claim to adverse possession is absurd. There really can have been no "possession" and it cannot be adverse as against Govt under whose orders he holds an inam and a shandy on his land

There has been partial failure of the trust and the inam lands strictly speaking are liable to resumption. Unless

Re Marecuala Tope Inam lands
recovered transfer

Serial No.

petitioner takes a reasonable attitude it may be necessary to resume the inam. If the Tope is resumed as seems inevitable the inam may also be resumed Orders on this point may be passed after obtaining a further report from the Dc regarding the arrangements to be made for the maintenance of the Tope. The same inam may perhaps be given to some one else on condition that he will maintain the Tope.

Not necessary for 24

6) Whatever is done with the inam lands and the Tope it seems necessary immediately to stop the shandy being held by petitioner in the Tope:

6) The question of holding a shandy (in place of the one discontinued) in the Tope or elsewhere, may be separately considered. If one is ordered to be held, the DC may manage it and make over the proceeds to Govt or to itself take the proceeds as Govt may please to order.

7) First Member No 17 may be resumed to Govt + the permission

Ind 18/3/36
Govt 10/3/36

OFFICE OF THE FINANCIAL COMMISSIONER
19 MAR. 1936
677.7

WD 03594—GPB—30,000—18-7 35

NOTE—Contn Sheet.

16) Resumption of Madivala village, Bangalore the inam lands granted for its

Mis File No. 134 of 1934 General 36

granted to hold a Shandy there may also be withdrawn. The lease like this revert to Govt as the terms of the grant have been violated & necessary accts etc have not been furnished. For the same reasons, the inams lands may also be resumed.

6f) The D.L. Bd may be consulted whether they wd hold the Shandy there up so on what terms.

J.D.
24/4

Rw
25/4

25/4/36

6g) D.O. Dated
C.S
29 Mc
30.4.36.

7) For approval
This may perhaps be sent
to L.S.G for personal before issue
30/4/36

30 APR. 1936

Govt. Secy)

accordingly thereafter

General and Revenue Secretariat 1143 File No. 134 of 1934 [App. F. III—2

Serial No.

71) For perusal before issue

Hd 1/5/36

OFFICE OF THE SECOND MEMBER OF COUNCIL. 4 MAY 1936 NO 8554

Hd Secy 72) MM. 5.36 1/5/36

73) 1/5

Ch Secy

2 - MAY 19..

SECRETARY.

2 MAY 1936

Secd Member) 74) MM 4/5/36

75) Hd 4/5

TYPING SECTION. 5. MAY 1936 GENL & REV. SECTT.

76) Issue Sdg 5/5/36

4 G.O No 1554-579 8.5.1936 Ordering among other matters that S. No 17 of Madivala Village Bangalore Taluk be resumed by Government and the permission granted to Rao Saheb thereon withdrawn—

Pd Hd 14.5.36

14.5.36.

WD 0591—GPB—30,000—18-7 35

File No. of 193 .

General

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Bangalore, Dated, 14th April 193 4

No. L 7375/LB 88-33-2

From

The *Secretary to the Government of His Highness the Maharaja of Mysore.*
Development Department.

To

The President,
District Board,
Bangalore.

Sir.

With reference to Government Order No.L.1533-5/L.B.83-33-20 dated 30th August 1933 accepting the compromise and the payment of a sum of Rs.9415 in the appeal filed by the District Board, against Mr. Kumaraguru Mudaliar, regarding the Shandi at Madival, I am directed to request that the records returned to you with the said Government Order, including copies of depositions and exhibits and the judgment in the Civil Suit, may kindly be forwarded at a very early date, as they are required for reference.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Development Department.

L7375/A/B88-83-2 25
8/14-4-34

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Sy. No. President,
Dt Bd, Bangalore
Sir (Thro the Dt Collector)

With ref. to Jo. No. A. 1533-5/A. B. 83-32-20 dy 30. 8. 933 accepting the compromise & the payment of a sum of Rs 9615 in the appeal filed by the Dt Bd, against Sri Kumara Guru Mudaliar regarding the Shandi at Madivala I am directed to request that copies of depositions and exhibits ~~available with the Dt Bd & also a copy of~~ and the judgment in the civil suit may kindly be forwarded for ref. at a very early date, as they are required for recpt. I have the

the records returned by the Dt Bd, including

for
Secy,
Rev. Dept.

WD 0255—GPB—10,000—23 8-32

OFFICE OF THE PRESIDENT,
BANGALORE DISTRICT BOARD.

No 126/33-4 One file Bangalore 11th May 1934 -193

From

V. VENKATAPPA, Esq.,
PRESIDENT, DISTRICT BOARD,
BANGALORE.

5334

To

M.Venkatanaranappa,Esq.,B.A.,
Secretary to Government of Mysore,
Development Department,Bangalore.
Through the Deputy Commissioner,Bangalore District.

SIR,

With reference to your letter No.L.7375/L.B.88-33-2 dated 14th April 1934,requesting me to send the records,relating to the Shandy at Madivala,in the Bangalore Taluk,I have the honor to forward herewith,the records received with G.O.No.L.1533-5/ L.B.83-32-20 dated 30th August 1933,containing copy of depositio and exhibits and the Judgement in Civil Suit.

D.B 31/32-33
Memo
Forwarded with compliments
Deputy Commr
Bangalore

I have the honor to be,
Sir,
Your most obedient servant,
V. Venkatappa
President,District Board,
Bangalore District.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. 985 Secretariat Dated, Bangalore, 4th January 193 5.
Mcg 134-34-2

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Agricultural Commissioner in Mysore,

Bangalore.

Sir,

With reference to correspondence ending with your U.O. No.737, 33-34 dated 15th January 1934 furnishing your opinion on the several points raised in the Bangalore Deputy Commissioner's letter (copy enclosed) No.C.E-579/33-34 dated 1st November 1933 re: the Thope in S.No.17 of Madivala village, Bangalore Taluk, and survey Nos.12,15 and 16 endowed for its maintenance and the shandy held weekly on survey No.17 referred to above, I am directed to state that action as proposed in your note of 15th January 1934 may be taken.

Further I am to request you to be so good as to submit a report after the reply is received in the matter from Mr.Kumarasa Mudaliar.

A copy of G.O.No.L.1533-5/T.R.33-33-20 dated 30th August 1933 is also sent enclosed for your information.

I have the honour to be,

Sir,

Your most obedient servant,

for Chief Secretary to Government.

3 Chits

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

...ie 193 .

*Page

Date of issue 9-1-35

H.B. Muddekrishnappa

Signed by .....

*Copy enclosed

List of enclosures .....

Copied by .. ..

Examined by... .....

Section Mem

File No. 134-34

Serial No. 2

No. 988-Land Records

To

The D.C.

Sir,

With ref^ce to Correspondence ending with your Rc.No. 20737/33-34 & 157/134 furnishing your opinion on the Several points raised in the Bangalore D.C.'s letter* No C2-S.79/33-34 & 1.11.33 &c: The Taluk in S. No 17 of Madivala Village Bangalore Tq, and the S. Nos 12.15 & 16 endowed for its maintenance & the Shanbhog held wealthy on S. No 17 referred above, I am directed to State that

Mzeq 157/1/34 Mazha Lahore

Shaw Esq

(a Copy for Mo. M. L. 1

83 -

Dy 30-8-33 to enclosed for info:

Ch.

~~88~~ Shaw Esq

5/9/34

m

GS

Pfg

further I am to request you to be so good as to submit a report after the reply is received in the matter from Mr. Kumargura Mudaliar -

Mo

Mar 11

Secretary. (Jaro Ajmer Mewar

Ker. Bhatti

Mg 136-34 3

28

1st
No. C.737 — 33-34

Enc. file

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 17th January *1936*

20

Mug D.No 801
35-36

FROM

K. V. ANANTARAMAN, ESQ., B.A.,
Muzrai Commissioner in Mysore

To

M. Venkatesa Iyengar, Esq., I.A.S.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General *Department.*

GENERAL SECTION
21 JAN. 1936
21/1/36

SIR,

Re: the collection etc., from the Shandy held on S.No.17 of Kadivala Village, Bangalore Taluk.

Adverting to Chief Secretary's letter No.C25/Muz.134-34-2 dated 4/9th January 1935 calling for a report re. the above, I have the honour to state that the Deputy Commissioner, Bangalore District, reported in his letter No.C2-573/33-34 dated 18th October 1935 that Mr. Kumaraguru Mudaliar has given a statement before the Amildar, Bangalore Taluk, alleging that S.No.17 (tope) of Kadivala is his own private property; that he has a right to utilise the income arising therefrom and that Government have no right to resume the lands. He has also forwarded the following seven documents produced by Mr. Kumaraguru Mudaliar in support of his contention.

(1) An authenticated copy of letter dated 2nd January 1840 issued to the Superintendent of the Bangalore District, conveying sanction to the grant of jodi lands on account of the tope planted by Mr. Channabasappa Mudaliar.

(2) Government order dated 9th May 1883 sanctioning the holding of a Santhe on every Friday at the Kadivala Palya Village.

(3) Government order dated 31st January 1887 stating that the holding of the Santhe on every Friday at the Kadivala Palya.

(4) Copy of Title deed dated 15th January 1877.

(5) Endorsement dated 14th May 1890 issued by Kumaraguru Mudaliar, communicating the subsistence of (3).

(6) Endorsement dated 2nd February 1893 addressed to the Commissioner communicating the subsistence of (3).

(7) Judgment in O.S. No.347 of 1894-95 in the II Munsiff of Bangalore.

3. All that these documents prove is that the tope was pl by the family. There is nothing to show that the land on which the tope was planted also belonged to the family. As already stated by r. Madhava Rau, in his Note of 16th January 1934, the tope is a public tope over which the planter and his representatives have a usufructuary right and for which they are accountable to Government when called upon to do so.

4. It is also obvious from the stand taken by Mr. Kumaraguru Mudaliar that he is not prepared to give accounts of the s h a n d y collections.

5. In the circumstances, I recommend that the right to hold the fair in S.No.17 be withdrawn from Mr. Kumaraguru Mudaliar and tope restored to Government and vested in the District Board for holding of shandy, the annual realisations from the tope being credited to Government.

6. The connected records on the subject are sent herewith.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/- Chas. Tarrant

Asst. Commissioner.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Read :—

1554-57/Mug 184-34-4

8

of [illegible] for the main

[illegible] utilize.

The [illegible]

Devabarayappa

G. S. App. F VI—G 2]

SUBJECT ..... Resumption of the grundu thope in S. No. 17 of Madivala village, Bangalore Taluk, and the inam lands granted for its maintenance .....

Archives

Diary. No. of letter replied to ..... 801 .....

Section Mucy.
File No. 134-34
Serial No. 4

General and Revenue Secretariat

( )
the *193* .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue ..... 8-5- ..... 1936.

Signed by H. V. De Subbaraya

Read— 1. Para 2 of G. O. No. L. 1533-5 dated 30th Aug. B.83-32-20 1933 requesting the Dy. Comr., Bangalore Dt., to submit a report about the nature of the inam lands granted for the maintenance of the thope situated in S. No. 17 of Madivala village, Bangalore Taluk, and on the question whether the terms of the grant are fulfilled.

2. Letter No. C2.574 dated 35-34

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Order thereon.—No.

Dy. Comr., Bangalore Dt.,
forwarding the report
for in the G.O. read
3. Correspondence en
with letter No. 422/33-34 dated 2nd P.W.D.2
Jany. 1936 from the Inspl
Comr. forwarding a report
on the subject after asking
Sri. A. R. Kumaraswamy Mudaliar
to show cause why the inam
lands should not be resumed and
to produce accounts of the collections
made in the Shandy held
the tope in S. No. 17,
Order
No. 1554-57 dated 8-7-36
Endorsed
The Dy. Comr., Bang-
galore Dt., in his letter No.
C2. 579/33-34 dated 1st Novr. 1935
states that S. No. 17 of Madivala
village, Bangalore Taluk, on

List of Enclosure

P.W.D. 1
Copied by

Examined by

G. K. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

which the tope stands is Govt. Kharab measuring 9 acres 10 guntas and assessed at Rs 12 according to the Khatwar. The tope is called a gunda tope (i.e., charitable tope in the Inam settlement Register. There is nothing to show that the land is the private property of Mr. A. R. Kumaraguru Mudaliar or his ancestors. According to the Inam settlement Register S. Nos. 12, 15 and 16 of Madivala village were granted in ~~the~~ year 1849 by the Suprdt., Bangalore Dvn., as inam lands for the maintenance of the tope and the well in it. ~~in guard condition~~ The grant was confirmed by the Inam settlement in 1875 subject to the condition that the tope and the well are

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It is reported that the trees in the B. E. G. I
thope are aged ~~more than 50 years~~
~~been planted; some are~~ and are not
filled up. ~~There can be no~~
cultivation is carried on on
land all the trees are in
condition and are likely to
~~in course of time~~. Part of
land ~~has~~ is covered with low
and scrub jungle and there
deep pits here and there in
the thope in which the villagers
have dumping manure.
~~There~~ This has rendered the
place not only unsightly but
insanitary. The thope is ~~not~~ thus not
~~thoroughly~~ maintained in good
condition and the ~~purpose of~~
~~the grant of waste lands for~~
~~maintaining~~ have not been
~~fulfilled~~. The well in the
land is reported to be dry.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

the purpose of the grant of inam lands for the maintenance of the thope and the work ~~is~~ to not being fulfilled.

G.R.D.2

The manager of the gundu thope, Mr. A.R. Kumara guru Mudaliar says that S.No. 17 of Madivala village is his private property that he has a right to use the income arising from it and that Govt. has no right to resume the lands. ~~The~~ manager of a gundu thope is ~~not~~ reared with the help of Govt. as in this case is not entitled to produce or derive ~~any personal benefit from it.~~ ~~Vide paras 131 and 132 of the Scheme manual, Vol. II).~~ ~~It is evident from Mr. Kumara guru Mudaliar~~ He is not prepared to give ~~even~~ accounts of the collections made in the

shandy held in the thope. The claim of
Mr K.Q. Mudaliar is not supported by facts and is not reasonable
Inspl Comr. has therefore
proposed the withdrawal of
granted to Mr. Kumara guru mudaliar's ancestors
the permission to hold a shandy in the thope
in S. No. 17 and the resumption
of the thope. Govt. are
accept the proposal and
pleased to direct
S. No. 17 of Madivala Village, B'lore Taluk
that the thope be resumed to govt and the permission
as the terms of the grant granted to hold a shandy there be withdrawn.
have been violated and necessary accounts &c
collections made in the
shandy held in the thope have
not been furnished. For the same reason Govt further direct that
permission to hold a shandy in the N.
Kumaraguru mudaliar's ancestors is to Mr. K.Q. be withdrawn. S. Nos
12, 15 and 16 of Madivala,
which were granted for the
maintenance of the thope and
the well in it, should also be also
resumed, as the object of the
grant ceases to exist after
the resumption of the thope
by Govt.

Action may be taken
Bangalore
to consult the District Board,

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

whether ~~it wishes to~~ they would hold a shandy in the thope. and if so on what— terms.

Secy. to Govt., Gen. Dept.

30/4/36

To

The Mayrai Comr. with the connected records.

" Revenue Comr.

" Dir. of Land Records.

" Comptroller

~~Dy. Comr., Bangalore~~

~~Dt.~~

~~President, D.C. Board Bangalore.~~

Copy to the Revenue and L. S. G. Branches.

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